

EXECUTIVE ORDER

03-02

January 17, 2003

**PROCLAMATION OF HOME HEATING FUEL TRANSPORTATION
EMERGENCY**

WHEREAS, pursuant to R.I. Gen. Laws § 43-3-28, the Governor is authorized to determine the existence of an emergency brought about by the disruption and/or interruption of transportation service and that rights and obligations are adversely affected thereby; and

WHEREAS, over the past few years, the number of fuel oil terminals and suppliers in Rhode Island has declined; and

WHEREAS, Rhode Island has been experiencing and may continue to experience a prolonged period of cold weather that has resulted in an increased demand for home heating fuel; and

WHEREAS, the State will soon be observing a three-day weekend that may result in delays in home heating fuel transportation and delivery; and

WHEREAS, federal law ordinarily imposes certain limitations upon the number of consecutive hours commercial truck drivers can operate; and

WHEREAS, federal law also permits exemptions from these limitations in the event of an emergency proclamation by the Governor; and

NOW, THEREFORE, I, DONALD L. CARCIERI, by the virtue of the power vested in me as Governor of the State of Rhode Island and Providence Plantations and pursuant to 49 C.F.R. 390.23, do hereby order as follows:

1. A proclamation of emergency is hereby ordered.

2. As a result of this proclamation, commercial carriers of home heating fuel and propane are afforded relief from the provisions of 49 CFR 395.3(b) of the Federal Motor Carrier Safety Regulations for interstate motor carriers while providing propane and home heating fuels to customers in Rhode Island during the pendency of this proclamation of emergency.
3. Nothing contained in this proclamation shall be construed as seeking an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 CFR 383), the Commercial Driver's License requirements (49 CFR 387), or any other portion of federal regulations not specifically identified.
4. This proclamation shall not apply to motor carriers that have an Out of Service Order in effect.
5. Upon termination of this emergency proclamation, federal regulation shall again become effective. As such, at that time, no commercial driver carrying home heating fuel or propane may operate until the driver has met the requirements of 49 CFR 395.3(a) and the driver has had at least 24 consecutive hours off duty when the driver has been on duty more than 60 hours in the previous 7 days or more than 70 hours in the previous 8 days.
6. All persons operating under this proclamation should maintain a copy of it in their possession.

This Executive Order shall take effect immediately and shall remain in effect until this Order is terminated, but in no event later than 10 days from the date of this Order.

So Ordered:

Donald L. Carcieri

Dated: _____